

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA**

CATAWISSA TOWNSHIP,

Plaintiff,

v.

MIDLAND ASPHALT MATERIALS
INC. and LIBERTY MUTUAL
INSURANCE COMPANY,

Defendants.

No. 4:24-CV-00280

Chief Judge Brann

ORDER

MAY 14, 2024

In accordance with the accompanying Memorandum Opinion, **IT IS
HEREBY ORDERED** that:

1. Defendant Midland Asphalt Materials Inc.'s Motion to Dismiss (Doc. 5) is **GRANTED IN PART** and **DENIED IN PART**;
 - a. Count IV of the Complaint is **DISMISSED WITHOUT PREJUDICE**;
 - b. Defendant Midland Asphalt Materials Inc.'s Motion to Dismiss (Doc. 5) is **DENIED** in all other respects;
2. Defendant Liberty Mutual Insurance Company's Motion to Dismiss (Doc. 6) is **GRANTED**. Plaintiff's request for punitive damages is

DISMISSED WITH PREJUDICE from Count V of the Complaint;

and

3. Plaintiff may file an Amended Complaint in accordance with the Memorandum Opinion no later than May 28, 2024.

BY THE COURT:

s/ Matthew W. Brann

Matthew W. Brann

Chief United States District Judge